



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OFFICE

DEC 09 2003

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Derrik Hagerman
President
Wabash Environmental Technologies, LLC
1331 South First Street
Terre Haute, Indiana 47802

Re Finding of Violation
Wabash Environmental
Technologies, LLC
Terre Haute, Indiana

Dear Mr Hagerman:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Wabash Environmental Technologies, LLC (Wabash) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3). We find that Wabash is violating the regulations implementing Title V of the Act, 42 U.S.C. § 7661-7661(f), which are set forth at 40 C.F.R. Part 70, at its Terre Haute, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference if you choose.

The contact in this matter is Kushal Som. You may call him at (312) 353-5792 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Rothblatt', with a large, stylized flourish extending from the end of the signature.

Stephen Rothblatt, Director
Air and Radiation Division

cc: David McIver, Chief
Air Section
Indiana Department of Environmental Management



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DEC 09 2003

REPLY TO THE ATTENTION OF
(AE-17J)

David McIver, Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

Re: Finding of Violation
Wabash Environmental
Technologies, LLC,
Terre Haute, Indiana

Dear Mr. McIver:

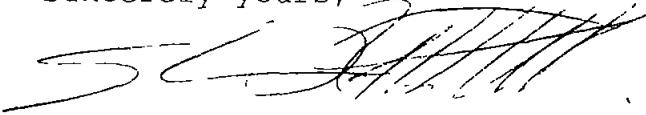
Enclosed is a copy of a Finding of Violation (FOV) that the United States Environmental Protection Agency issued today to Wabash Environmental Technologies, LLC (Wabash), under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3).

Specifically, Wabash has operated and continues to operate a centralized waste treatment facility in violation of the rules at 40 C.F.R. Part 70, governing the Title V permitting provisions of Section 502 of the Clean Air Act, 42 U.S.C. § 7661a. Evidence of the violations consists of a multi-media inspection conducted at the facility.

Section 113 of the Clean Air Act, 42 U.S.C. § 7413, gives us several enforcement options including issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We hope that this FOV will substantially aid Wabash's efforts to comply immediately.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'S. Rothblatt', with a large, stylized initial 'S' and a series of horizontal strokes for the last name.

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
Wabash Environmental)	FINDING OF VIOLATION
Technologies, LLC)	
Terre Haute, Indiana)	EPA-5-04-03-IN
)	
)	
Proceedings Pursuant to)	
Section 113(a)(3) of the)	
Clean Air Act, 42 U.S.C.)	
§ 7413(a)(3))	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) is issuing this Finding of Violation under Section 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3). U.S. EPA finds that Wabash Environmental Technologies, LLC (Wabash) is violating the regulations implementing Title V of the Act, 42 U.S.C. §§ 7661-7661(f), which are set forth at 40 C.F.R. Part 70

Statutory and Regulatory Background

1. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that it shall be unlawful for any person to violate any requirement of a Title V permit or to operate a major source without a Title V permit. Section 502(b) of the Act, 42 U.S.C. § 7661a(b), requires the Administrator of U.S. EPA to promulgate regulations establishing the minimum elements of a Title V permit program.
2. On July 21, 1992, U.S. EPA promulgated regulations required by the Act for Title V state operating permit programs. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.
3. U.S. EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995 (60 Fed. Reg. 57188), and the program became effective on December 14, 1995. EPA granted final full approval of the Indiana Title V program effective November 30, 2001. 40 C.F.R. Part 70, Appendix A.
4. 40 C.F.R. § 70.1(b) provides that all sources subject to the regulations at Part 70 shall have a permit to operate that assures compliance by the source with all applicable

requirements

5. 40 C.F.R. § 70.5(b) requires any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application, upon becoming aware of such failure or incorrect submittal, to promptly submit such supplementary facts or corrected information
6. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides U.S. EPA with several enforcement options for violations of, inter alia, Subchapter V (Title V) of the Act, 42 U.S.C. §§ 7661-7661(f).

Wabash's Facility

7. Wabash owns and operates a centralized waste treatment facility at 1331 South First Street, Terre Haute, Indiana.
8. The Indiana Department of Environmental Management (IDEM) issued to Wabash Environmental Technologies, LLC (formerly known as Schering-Plough Animal Health Corporation) a Title V permit (Permit No. T167-7544-00004) on June 9, 1999, for an animal pharmaceutical production facility.
9. On September 28, 2000, IDEM issued an administrative amendment to the Title V permit (Permit No. T167-7544-00004). The administrative amendment consisted of a name and ownership change from Schering-Plough Animal Health Corporation to the current name, Wabash Environmental Technologies, LLC.
10. Wabash owns a soy and protein blending process on the same site as its centralized waste treatment facility. This blending process is leased to and operated by a third party. This emission unit was not listed in Wabash's Title V permit (Permit No. T167-7544-00004).
11. Wabash owns and operates a waste treatment plant, which includes an equalization tank, a neutralization tank, two aeration tanks, two clarifier tanks, a scum collection tank, a digester tank, two filter tanks and a thickener tank. These emission units were not listed in Wabash's Title V permit (Permit No. T167-7544-00004).
12. Wabash no longer operates a 30,000 pound per day Clinacox pharmaceutical premix feed blending/bagging facility. This emission unit was listed in Wabash's Title V permit (Permit No. T167-7544-00004).

13. Wabash no longer operates a Zeranol pharmaceutical producing operation. This emission unit was listed in Wabash's Title V permit (Permit No. T167-7544-00004)
14. Wabash no longer operates two 16.6 million British Thermal Unit per hour (BTU/hr) of heat input natural gas boilers. These emission units were listed in Wabash's Title V permit (Permit No. T167-7544-00004)
15. Wabash's facility is subject to Title V of the Act because it is a major source (as defined in Section 501(2) of the Act) with the potential to emit more than 10 tons per year of an individual hazardous air pollutant, or 25 tons per year of combined hazardous air pollutants

Violations

16. Wabash failed to promptly submit an updated Title V application that provided supplementary facts or corrected information related to the changes made at the soy and protein blending process, natural gas boilers, waste treatment plant and the Zeranol pharmaceutical producing operation as required by 40 C.F.R. Part 70.5(b).

12/9/2003

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation/Finding of Violation, No. EPA-5-04-03-IN, by Certified Mail, Return Receipt Requested, to:

Derrik Hagerman
President
Wabash Environmental Technologies, LLC
1331 South First Street
Terre Haute, Indiana 47802

I also certify that I sent copies of the Finding of Violation by first class mail to.

David McIver, Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

George Needham, Director
Vigo County Air Pollution Control
103 South Third Street
Terre Haute, Indiana 47807

on the 10th day of December, 2003.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01783462